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June 18, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentation
Pick and Choose FNPRM; Review of the Section 251 Unbundling
Obligations of Incumbent Local Exchange Carriers, CC Docket
Nos. 01-338, 96-98, and 98-147

Dear Ms. Dortch:

This letter is to clarify imprecise statements in an *ex parte* submission recently filed by BellSouth in connection with the pick and choose rulemaking. BellSouth filed a letter in which, among other things, it responded to questions from Wireline Competition Bureau staff regarding pick and choose.¹ One of BellSouth's responses indicated that MCI, Inc. has refused to start interconnection agreement negotiations based upon BellSouth's standard interconnection agreement, instead preferring to start negotiations based upon MCI's existing agreement, thus purportedly complicating such negotiations.² In fact, for the most recent round of negotiations, MCI agreed to use BellSouth's standard interconnection agreement. Those negotiations have been based on the standard agreement, not an existing agreement between MCI and BellSouth.

BellSouth's statements are apparently in reference to the 1999 round of negotiations, in which MCI decided to start negotiations from its existing agreement. In doing so, however, MCI did not burden the negotiating process with outdated law and contract provisions. Rather, before sending the agreement to BellSouth as a start-point for negotiations, MCI carefully updated it to ensure that it conformed to current law. This approach made sense; existing agreements between parties will inherently almost always be more reflective of carriers' particular business needs than generic "one-size fits all" standard agreements. Carriers can avoid rehashing issues that

¹ "BellSouth's Responses to FCC's Questions Regarding Pick and Choose NPRM" attached to Letter from Mary L. Henze, BellSouth, to Marlene H. Dortch, FCC, CC Docket Nos. 01-338, 96-98, 98-147 (Apr. 27, 2004) ("*BellSouth Letter*").

² *Id.* at 4 (Response No. 5).

have been resolved previously, and the agreements can be updated without undue difficulty to reflect current law. Thus, by starting negotiations from an updated existing agreement, MCI significantly facilitated the course of negotiations.

Pursuant to the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceedings.

Very truly yours,

/s/ John R. Delmore

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cc: William Maher, Chief, Wireline Competition Bureau
Jeffrey Carlisle
Robert Tanner
Michelle Carey
Jeremy Miller
Jon Minkoff
Christi Shewman